



## **THE 2012 SUDAN-SOUTH SUDAN AGREEMENTS THROUGH A GENDER LENS**

*This analysis was researched and written by the United States Institute of Peace<sup>1</sup>. It is intended to analyze the gender aspects of the September 2012 Sudan-South Sudan agreements and make actionable recommendations for gender-sensitive implementation.*

### **Introduction**

Peace agreements provide “a chance to start anew, to embark on new visions for fractured societies.”<sup>2</sup> The agreements signed by Sudan and South Sudan in September 2012 offer an important opportunity to promote and expand women’s rights while drawing on their skills and experiences to build a stable peace. The following gender analysis of the agreements examines ways to incorporate the views, priorities, and talents of women into an inclusive process of implementation.

The nine agreements between Sudan and South Sudan -- a framework agreement and eight agreements on specific topics -- lay out the basic principles and terms of reference for the policymaking and technical committees that will flesh out and implement the agreements. Although gender concerns do not figure explicitly in the framework agreements, implementation offers both sides an important opportunity to develop an inclusive process whereby women actively participate and voice their own priorities and concerns.

The recommendations in this analysis suggest ways to make the process more gender sensitive. This first section briefly summarizes the agreements, identifies common issues, and proposes recommendations applicable to all the agreements. Subsequent sections take up each agreement separately, making additional specific recommendations.

## OVERVIEW OF THE AGREEMENTS AND GENERAL RECOMMENDATIONS

The **cooperation agreement** recognizes the existence of two states and commits to implementing previous security agreements and the eight agreements signed in Addis. In the **security** agreement, the states agree to renounce violence in their relations and withdraw support for rebel groups fighting the other state. The agreement on **border issues** lays out plans for border demarcation in order to manage the border in a way that recognizes the connections between the two peoples now on different sides of the border and that promotes social and economic development along the border. The agreement on the **status of nationals** lays the basis for the continuation of “four freedoms” – continued freedom of people to reside, move, acquire and dispose of property, and pursue economic activities on both sides of border. The agreement on **trade** concerns development of trade policy and bilateral trade arrangements. The **oil** agreement acknowledges the states’ shared interest in the sector and details cooperation arrangements, including a payment of Transitional Financial Assistance from South Sudan to Sudan. The framework on **central banking** addresses cooperation on monetary and fiscal policy between the two states’ commercial banking sectors. According to the agreement on **certain economic matters**, Sudan assumes all external debt, but South Sudan agrees to join an appeal for debt relief to the international community. The agreement on **post-service benefits** promises uninterrupted delivery of pensions and benefits to qualified individuals living in either state.

Implementation arrangements for each of the eight agreements call for joint high-level commissions or committees, largely drawn from ministries, to develop policies and draw up legislation; technical committees will operationalize and implement the policies. Many agreements involve support from the African Union High-Level Implementation Panel (AUHIP), and include language allowing the states to jointly request international technical or financial assistance. There is only brief mention of disseminating agreements to the public, though some agreements, including the one on border management, explicitly commit to local stakeholder participation.

Global evidence demonstrates that active participation of women in peacebuilding efforts generally leads to a more inclusive and ultimately more legitimate and sustainable peace. The implementation arrangements set out in the agreements offer many opportunities for integrating women in different decision-making, technical and civic roles. Although specific recommendations have been made for each of the agreements, the following recommendations apply to all of them:

- **Include women in all the implementation bodies.** Without women’s formal participation in more than token numbers, it is unlikely that the gender-specific impacts of the agreement will be adequately addressed. Women should be included from the very first stages of the process, when important decisions are likely to be made, both as government representatives in policymaking commissions, as well as technical experts on the implementation committees. Consideration should be given to mandating a minimum quota (consistent with

the constitution of South Sudan, but not that of Sudan);<sup>3</sup> research on mandated quotas generally finds that a critical mass of women is necessary if gender concerns are to be taken into account.<sup>4</sup>

- **Women's organizations must be representative and address the diversity of women's needs and interests.** Care must be taken to include women who speak for and feel accountable to their constituents, rather than women from government-sponsored NGOs. Moreover, it will be important to work with a range of organizations that reflect the diverse and sometimes competing needs and challenges experienced by women of different ages, family situations, place of residence (urban/rural), and ethnic and tribal affiliations.
- **Donors can leverage their roles to promote the meaningful inclusion of women.** Agreements that allow the two states to jointly request third-party financial and/or technical assistance provide entry points for donors, who can provide resources and capacity-building contingent on inclusion of women in the policymaking commissions or technical committees. Where participation in the committees requires travel, a portion of financial support should be earmarked for travelling, lodging, childcare, capacity building and physical protection for women.<sup>5</sup>
- **Create an official mechanism to link women's civil society organizations with implementation bodies.** An official mechanism should be created for civil society, including women's groups from both states, to participate in the implementation process, through such roles as monitoring compliance and giving voice to the interests and concerns of local men and women to the decision-making commissions and implementation committees.
- **This official mechanism should be used to educate women about the agreements.** Similarly, this mechanism could also serve as a channel of communication to the public, with women's organizations involved to ensure that dissemination reaches women, who are less likely than men to be literate, well informed on current issues, and, in South Sudan, conversant in Arabic. Donors can help by providing financial support and capacity building to these organizations, as well as to local radio stations.<sup>6</sup>
- **Men must be involved in the education process.** Men must also be a part of the education process in order to expand their understanding of why women's active engagement will support successful peacebuilding.

## **ANALYSIS OF INDIVIDUAL AGREEMENTS<sup>7</sup>**

### ***Agreement on Security Arrangements***

This agreement calls for each state to stop harboring or supporting rebel groups against the other state and cease hostile propaganda; unconditionally withdraw their forces to their side of the border; establish a demilitarized zone, where a Joint Border Verification and Monitoring Mission (JBVMM) will ensure there is no movement of military forces or armed civilians; maintain joint tribal mechanisms for dispute resolution; and open ten border crossings. An Ad-Hoc Committee will investigate complaints made by either party.

As the demilitarization of the border takes place, it is not clear who will be responsible for maintaining security of communities located in or near the demilitarized zone. Fears have been expressed that demilitarization will allow or facilitate the incursion of nomadic groups claiming the territory as part of their traditional areas. In either case, if there is no police force to protect unarmed civilians, women and children living in or near this zone will be vulnerable to attacks and/or abductions from both military groups and armed civilians.

#### *Recommendations:*

- Women should be part of the JBVMM that monitors withdrawal of troops and any ceasefires and JBVMM officers must receive basic gender awareness training. Similarly, security forces should also have more female officers. Women should also be part of the Ad-Hoc Committee that investigates complaints, and effective, safe, and widely publicized reporting mechanisms should be developed so that women can provide feedback and report violence without fear of being ignored or experiencing retribution.
- Implementation arrangements must spell out how the joint tribal mechanisms are to work in terms of their gender content, women's access to these mechanisms, and how they will address issues of security and restitution, particularly in the case of sexual and gender-based violence.
- Ensuring women's security and access to recourse is a matter of entitlements under international law.<sup>8</sup> It should be understood that sexual and gender-based violence that is linked to international forces (including UNMISS or UNISFA) or national forces monitoring the border be considered a violation of the security agreement and/or international law, consistent with UNSCR 1820 and 1960, and that offenders will be pursued across the border (if necessary) and prosecuted.
- Given the ongoing volatility around many parts of the border, extra security should be provided in places that are dangerous for women and girls, such as water and firewood collection points, markets, or the roads or transportation routes they frequent. For returnees, many of whom consist of female-headed households, extra security, as well as attention to maternal and child health

- needs, should be offered during the return process. Unaccompanied minors, particularly girls, will require extra attention.
- Dissemination activities should include dialogue with local leaders to help them understand that measures to protect women should reduce incentives for retaliatory attacks and thus contribute to overall stability.
  - Implementation should include a land-mine awareness program and acceleration of the mine clearance program, which would reduce one of the dangers for men and women as they farm.

### ***Agreement on Border Issues***

The 1,200-mile border between Sudan and South Sudan runs through ten border states, in some places transecting contemporary settlements, and affects millions of men and women. Under this agreement, the two states agree to demarcate the shared border according to the 1/1/1956 line; to develop an integrated border management approach (IBMA) to regulate, facilitate and protect the “easy flow” of people, goods and services, across a “soft border” and to manage security, including that related to transhumance, in a way that reduces conflict and builds peace. The states agree to promote investments and local subsistence trade across the border, and access to commercial banking, telecommunications, and currency exchange facilities. Security personnel and border community leaders will receive training to address conflict issues. A Joint Border Commission will develop the IBMA, supported by a Joint Border Governors’ Forum and in consultation with local stakeholders.

Research on border crossings in Africa and elsewhere finds that women face disproportionate risks of mistreatment by border officials, whether by harassment, demands for sex in order to cross, or trafficking.<sup>9</sup> The new border will particularly affect women whose lives straddle the border (for example, living on one side but with their home village on the other) and need to cross it often; it will also affect women traders

, market women, and women who have married into nomadic groups across the border but have a different nationality than their husbands. Finally, unless entry/exit permits are free or low cost, they will entail particular hardship for women, who generally have fewer financial resources than do men.

The seasonal migration of herds between Sudan to South Sudan poses additional challenges. The migration is often accompanied by conflicts as herds return to Sudan in late spring, when drier conditions sometimes spark conflict over access to water points, and cattle rustling takes place. During conflict, women and girls experience heightened risk of gender-based violence used as a military tactic, and abductions are more frequent because of the breakdown of local order. They have little formal recourse to such attacks and rarely seek help or receive psychosocial counseling.

#### *Recommendations:*

- As the integrated border strategy is developed, both governments must work with women to incorporate gender concerns into management policies, procedures and protocols. Customs officers and security personnel should receive training on gender and women’s rights, and effective, transparent, but anonymous reporting mechanisms should be created so that women can report harassment or maltreatment.
- Female officials should be present at each border crossing to respond to cases of rape or attack, and also to reduce the likelihood of sexual

harassment. There should be several female officers present at any time at border crossing, to help build their own confidence and ensure that they are not intimidated, harassed or marginalized by male officers. Rest centers should be established for women and girls in transit, especially for members of female headed households who will be particularly burdened.

- Given the physical difficulties of transit, it would be helpful to have a person with medical training present at the border crossings to address emergencies that arise with pregnant women or small children.
- The Border Governors' Forum provides an entry point for local women's organizations to represent their economic and social priorities, including measures that would address the particular economic hardships of the many women who have become household breadwinners.<sup>10</sup>
- Border development programs should target women's economic empowerment, supported by vital local infrastructure such as roads, and connect women and men with markets and services on both sides of the border. Roads that facilitate bus transportation would further ease secure access, while construction of cross-border markets could increase safety for women.<sup>11</sup>

### ***Framework on the Nationals of the Other State***

This agreement supports the “four freedoms” of nationals of each state to reside, move, acquire and dispose of property, and undertake economic activities on territories of the other state, in accordance with the laws and regulations of each state. Both states agree to cooperate in providing nationals appropriate identification and other relevant documents such as work and residence permits. Termination or amendment to this agreement will not deprive a person of these freedoms if he or she has already exercised them.

Differences in the citizenship laws of the two states have put considerable numbers of people at risk of statelessness or disputed nationality. These laws will particularly affect displaced people who were separated from their families and have no means of establishing their ancestry. Unaccompanied children and women and children abducted during the war may also find it difficult to establish their rights to nationality in either country.<sup>12</sup>The South Sudan Nationality Act gives South Sudanese nationality to anyone with a South Sudanese parent, grandparent or great-grandparent, while the Sudan Nationality Act calls for revoking Sudanese nationality for anyone with South Sudanese nationality (although actually proving South Sudanese nationality in post-conflict conditions may prove impossible). The implications of this law mean that South Sudanese women living in Sudan at best will lack the rights, entitlements, and protections afforded to citizens, and at worst, if they cannot prove South Sudanese nationality, end up stateless.

The loss of Sudanese citizenship, compounded in some cases by loss of jobs and harassment, has helped trigger a flow of people of South Sudanese origin from Sudan to South Sudan. A large proportion of returnee households are headed by women, and the transit has posed considerable safety and security risks to them. In South Sudan, many businesspeople of Sudanese origin have likewise been migrating to Sudan. Both processes threaten to rupture families. Children of parents with different nationalities, or children conceived through rape, may have a heightened risk of finding themselves stateless.

Even if people obtain residence permits, without a path to citizenship they may be denied entitlements such as financial benefits and services or the right to vote or even to employment. Women and children face real risks of being denied maternal and child health services. Mechanisms for obtaining residence and work permits are not yet worked out, and could prove particularly difficult for women, who are more likely to be illiterate. Requirements for work and residence permits could also prove a barrier for women who seek work or residence permits without permission from male family members. Lack of adequate documentation also puts people’s jobs at risk, and is leading to outmigration, a process that may rupture families.

The four freedoms agreement gives people the right to acquire and dispose of property and to undertake economic activities in either state, but women could

experience difficulties because each state limits women's rights to own and control assets, but in different ways.

*Recommendations:*

- Implementation should involve a larger conversation about citizenship, in consultation with international human rights specialists, paying special attention to the problem of statelessness. Meanwhile, criteria for identity documents and work and residence permits must be transparent, identical for men and women, issued at no or low cost, and through mobile offices that can reach isolated communities. Women should not be required to obtain the support from male family members, and women and men should have the same rights when it comes to supporting their children's passport applications.
- Legal aid systems, with mobile offices that can reach isolated communities, must be established to help women weave their way through the tricky legal waters involved in addressing citizenship issues and access identification and other legal documents they may need.
- Procedures for obtaining other kinds of legal documents should be straightforward and transparent, so that girls and women can easily obtain their school diplomas, employment records, health documents, and so forth, on their own behalf. It will be important that the two states agree to recognize each other's documents; this is a particularly important issue for returnees who were educated in camps and are unlikely to have standardized documents.
- Border crossing requirements must take into account the needs of women who move across the border with nomadic groups but are not citizens of the same state as the other nomads, and ensure that they do not face bureaucratic hurdles or harassment at the border. Similarly, for women traders who cross the border frequently it could be useful to create an identification system that allows them to cross easily and with less red tape.
- Women's rights to own, control and dispose of property on their own behalf should be clearly spelled out in the joint implementation arrangements so that they don't experience difficulty, for example in accessing the proper documents without intervention of a male relative if they need to dispose of property in one state to move across the border.

### ***Agreement on Trade and Trade Related Issues***

This agreement says that although each state will pursue independent trade policies, they agree to abide by their obligations as members of international organizations (WTO, COMESA, SADC-EAC-COMESA Tripartite Agreement, IMF, etc.) A Joint Ministerial Committee on Trade Relations will take responsibility for trade-related policies and matters, including a preferential trade regime, dispute settlement mechanisms, and customs regulations. A Joint Technical Committee, to include representatives from relevant ministries, the central banks, chambers of commerce, business associations and other relevant institutions, will address customs cooperation, banking relations, combating criminal behaviors, as well as trade facilitation and promotion, infrastructure development, and environmental and health safeguards.

Maintaining trade relationships between the two countries is important for communities on both sides of the border, with those in South Sudan often purchasing essential commodities such as grain and flour from Sudan. The higher prices that resulted from the trade blockade badly affected households in general, and particularly women, who are generally the last to eat during food shortages. Trade has suffered from the conflict, but could be further harmed if customs officials start demanding bribes to allow goods to pass. Tariffs or significant formalization would affect petty traders, many of whom are women, who cross the border on a regular basis. Some degree of regulation, however, could benefit purchasers by establishing fair quality controls – particularly over expired pharmaceuticals, a complaint voiced by women in South Sudan.

#### *Recommendations:*

- Women business leaders as well as smaller-scale entrepreneurs must be included in trade discussions to ensure that women's specific interests and needs are considered as trade policies and regulations are hammered out. Efforts to promote and facilitate trade, establish free trade zones, and develop trade-related infrastructure should include special programs to encourage women entrepreneurs.
- Special consideration must be given to preserving small-scale informal trade without burdening it with cumbersome, expensive, or exclusionary requirements for formalization, which would disproportionately burden women, both as petty traders and as women who depend on traders to supply their households with basic commodities.

### ***Agreement on Oil and Related Economic Matters***

This agreement gives sovereignty to each state over natural resources and oil facilities on its territory, and covers arrangements for processing and transit fees and transfers. South Sudan agrees to pay Sudan \$3.028 billion as a Transitional Financial Arrangement (TFA). The parties will ensure that effective metering facilities exist. The agreement will be supervised by the Joint Petroleum Monitoring Committee, supported by technical sub-committees for implementation and dispute resolution. Each state can appoint competent representatives at facilities of the other states with access to all documentation. Although information is to be shared between the states, the audit process will be confidential and not shared with the public. The agreement does provide for mechanisms to allow individuals or legal persons to pursue oil-related claims in either state.

Oil revenues have not benefited communities in either state as much as they should in terms of improving services such as health and education, in part because of corruption. Regarding the environmental impact of oil production, in many border communities women are the ones practicing subsistence agriculture to support households, and are thus directly impacted if soil pollution affects agricultural productivity. Local populations feel that pollution has had particularly adverse impacts on maternal and child health, although adequate research has not yet been conducted in these communities.

#### ***Recommendations:***

- Although South Sudan has pledged to participate in the Extractive Industries Transparency Initiative (EITI), civil society would need substantial capacity building to carry out the expected monitoring. It is unlikely Sudan would be eligible to join at this time.<sup>13</sup> Nevertheless, implementation could entail developing mechanisms for sharing audit findings with the public. This information could be used to push for more funding to social services, the lack of which hurts women in particular.
- An absolute (as opposed to percentage) amount of revenues from oil production and oil transit should be earmarked in both States to fund the activities of the ministries dealing with gender and enable them to better resource women's groups that are engaged in peace building, particularly in underserved and isolated border communities.

- The explicit recognition that citizens or legal persons can pursue claims in either state could potentially provide communities and civil society organizations an opportunity to seek redress for the impacts of environmental pollution, which poses special risks for pregnant women and children.
- Oil companies themselves have a role to play in corporate responsibility, in terms of greater transparency, greater efforts to hire women into what are now predominantly male labor forces and direct consultations with women in the communities near which they operate to ensure they are adequately addressing women's concerns. The agreement allows either or both parties to seek technical and or financial assistance. In responding to such requests, donors could promote inclusion of women as technical and legal experts involved in the joint regulation of the oil industry.

### ***Framework for Cooperation on Central Banking Issues***

This agreement guarantees commercial banks the right to operate on the territory of the other state. A Joint Central Banks Committee with five members representing each national bank will cooperate to oversee development of central banking monetary and exchange rate policies, banking supervision to preserve the value of each currency, opening of correspondent accounts in each state, licensing of commercial bank branches in the other state, and facilitation of payment system transfer operations and information exchange.

Macroeconomic stability and control of inflation are critically important for the poor in general and women in particular, who make up a majority of the poor. Economists also point out, however, that anti-inflationary policies have gender specific employment impacts, and some approaches to regulating inflation result in women's employment declining more sharply than men's.<sup>14</sup>

The licensing of branches of national banks in the other state should facilitate trade and other transactions, but explicit attention is needed to ensure that women are not excluded, either from economic policymaking or as users of financial services. At present, eligibility rules for accessing credit, for example, often exclude women, because they lack control over the kinds of assets (including land or property) generally used as collateral, as well as adequate personal identification.

#### ***Recommendations:***

- The involvement of women experts in developing monetary policy is no guarantee that policies will be gender-sensitive, but may be an entry point for considering the documented gender impacts of different monetary policies.
- To expand women's access to formal banking, efforts should be made by banks, as well as civil society organizations, to increase women's financial literacy through targeted programs. Such efforts should be accompanied by transparent banking rules that allow women to access services on their own behalf, without need for the consent of male family members.

***Agreement on Certain Economic Matters: Division of Assets and Liabilities, Arrears and Claims and Joint Approach to the International Community***

This agreement addresses the division of external and domestic assets and liabilities. Sudan retains external debt liabilities and external assets, but Sudan and South Sudan will appeal jointly with the AUHIP to the international community to help fill Sudan's financing gap resulting from loss of oil revenues, help South Sudan respond to urgent developmental challenges, obtain direct debt relief on Sudan's external debt and have economic sanctions lifted. If international relief is not achieved within two years, the states will negotiate how to apportion the debt. Archival data will be shared and cultural heritage property will be repatriated with no restrictions on the access of people from either state.

Loss of oil revenues and its inability to borrow have resulted in an austerity budget and severe reduction of services in Sudan, particularly affecting people living in the rural areas. Female-headed households are particularly affected, as are women without access to maternal and health services.

The agreement commits South Sudan to take on part of the debt if relief is not secured. While debt relief will probably not occur in the near term, it appears unlikely South Sudan would agree to take on a meaningful portion of the debt. If it did assume part of the debt, this burden implies similar implications for its population, which also suffers from governmental corruption, misallocation of oil revenues, and inadequate attention to livelihood development and services.

*Recommendations:*

- While sanctions are unlikely to be lifted in the near term, it is possible that some of the countries or institutions that hold debt will assist with the funding gap, but assistance should be contingent on the explicit and monitorable commitment to budget and expenditure transparency. The international response might be different if the two states focused on fundraising for gender development.
- If the AUHIP and/or other countries support such an appeal, it should be strongly contingent on allocation of funds for promoting women's rights and empowering them through education. These goals could be furthered in multiple ways, ranging from funding legal aid organizations that provide free or low-cost assistance for women, to devoting more funding to narrow the gender gap in health and education.<sup>15</sup>

## **Framework Agreement to Facilitate Payment of Post Service Benefits (including Pensions)**

This agreement ensures the timely delivery of pensions and benefits to eligible individuals and their survivors, no matter which state they now reside in. A Joint Technical Committee will identify people who are eligible, provide guidance for calculating benefits, facilitate transfers of relevant data between pension entities, facilitate transfer of payments through the central banks at prevailing exchange rates, and inform beneficiaries of rights and procedures. In cases of dispute, the Joint Ministerial committee on Pensions will refer matters to the International Labor Organization (ILO) or other international institutions for a binding opinion.

Polygamy in each country will complicate decisions about eligibility as well as procedures, and create conflicts between customary and statutory law regarding women's rights over assets (including pensions). How these questions are decided, and difficulties arising from conflicting family and marriage regimes (customary and statutory, South Sudanese and Sudanese) could result in hardship for female survivors in particular, whether wives, mothers, daughters or sisters.

Many people eligible for pensions may have moved from one state to the other and may find it difficult to establish both eligibility and new addresses, especially in the absence of up-to-date residence permits. If applying for pensions involves travelling any distance, it will particularly disadvantage women, who have more restrictions on their movement and for whom travelling is riskier. For similar reasons, accessing benefits through complicated bureaucracies could also prove difficult for women, given high levels of female illiteracy.

### *Recommendations:*

- Establishing eligibility for pensions and benefits will require personal identification documents, which calls for expediting issuance of such documents through cooperation between the technical committees addressing this problem under the Agreement on Nationals of Each State.
- Given wide disparities in access to education and literacy rates between men and women, female beneficiaries (for example, widows) are likely to be illiterate, so local women's organizations should be involved, using outreach in the form of radio or public meetings, in multiple languages, to reach even the most isolated and poorly informed women and inform them about establishing eligibility, submitting claims and receiving benefits. This effort should be supported by mobile offices or mobile banking.
- The agreement to invite the ILO to mediate in disputes the states cannot resolve could provide an entry point to push for eligibility criteria and application procedures that are fair and accessible to and do not disadvantage women.

## References

Academy for International Conflict Management and Peacebuilding. Gender, War & Peacebuilding: A Study Guide Series on Peace and Conflict for Independent Learners and Classroom Instructors. USIP: Washington DC.

African Arguments. "Tamazuj in Kadugli," Newsletter. 2010. Feb. 28. Accessed December 2012 at: <http://africanarguments.org/2010/02/28/tamazuj-in-kadugli>.

Braunstein, Elissa and James Heintz. 2006. "Gender Bias and Central Bank Policy: Employment and Inflation Reduction." In: Alternatives to Inflation Targeting: Central Bank Policy for Employment Creation, Poverty Reduction and Sustainable Growth. Political Economy Research Institute. University of Massachusetts, Amherst. Accessed December 2012 at: [www.umass.edu/peri/atit](http://www.umass.edu/peri/atit)

Buchanan, Cate, Adam Cooper, Cody Griggers, Lira Low, Rita Manchanda, Rebecca Peters and Antonia Potter Prentice. 2012. From Clause to Effect: Including Women's Rights and Gender in Peace Agreements. Center for Humanitarian Dialogue: Geneva.

CIA World Factbook. Accessed December 2012 at: <https://www.cia.gov/library/publications/the-world-factbook/geos/su.html>

Concordis. 2010. More Than a Line: Sudan's North-South Border. September 2010. Concordis International Sudan Report.

Diaz, Pablo Castillo. 2010. "Women's Participation in Peace Negotiations: Connections between Presence and Influence." UNIFEM.

Flint, Julie, 2011. "The Nuba Mountains: Central to Sudan's Stability." *Alert No. 3*. IKV PAX Christi: Utrecht.

Global Witness. 2010. *Five Principles for a Post Referendum Oil Deal in Sudan*. London.

Harrington, Julia. 2009. "The Right to Citizenship under International Law." *African Arguments Online*. Accessed December 2012 at: <http://africanarguments.org/2009/10/12/the-right-to-citizenship-under-international-law/>

Institute for Inclusive Security. 2011. "Mainstreaming Women's Agenda in the Post-Referendum Arrangements." Conference organized by the South Sudan Women's Empowerment Network and the IIS. Juba.

Kuehnast, Kathleen, Chantal de Jonge Oudraat, and Helga Hernes (eds). 2011. *Women and War: Power and Protection in the 21<sup>st</sup> Century*. United States Institute of Peace Press: Washington DC.

Mackay, Angela. "Border Management and Gender." Gender and Security Sector Reform Toolkit. Eds. Megan Bastick and Kristin Valasek. Geneva: DCAF, OSCE/ODIHR, UN-INSTRRAW, 2008.

Manby, Bronwen. 2012. *The Right to a Nationality and the Secession of South Sudan: A Commentary on the Impact of The New Laws*. The Open Society Initiative for Eastern Africa.

Maxwell, Daniel, Kirsten Gelsdorf and Martina Santschi. 2012. *Livelihoods, Basic Services and Social Protection in South Sudan*. Working Paper 1. Secure Livelihoods Research Consortium. Overseas Development Institute: London.

Republic of South Sudan, Norwegian People's Aid, UNHCR, UNFPA and UN-Women. 2011. *Gender-based Violence and Protection Concerns in South Sudan*.

Saeed, Abdalbasit. 2010. *Challenges Facing Sudan after Referendum Day 2011: Persistent and Emerging Conflict in the North-South Borderline States*. *Sudan Report 2010: 1*. Chr. Michelson Institute: Khartoum (?).

Sudan Council of Churches and European Coalition on Oil in Sudan. 2011. *Sudan's Oil Industry After the Referendum*. Conference Report. Juba.

Uganda Women's Network. 2011. *Comprehensive country Gender Assessment*. Multi Donor Trust Fund and Government of Republic of South Sudan. Kampala.

White House. 2011. "United States National Action Plan on Women, Peace, and Security." Washington DC.

Zagama, Bertram. 2011. "Land and Power: The growing scandal surrounding the new wave of investments. Oxfam Briefing Paper 151. Oxfam International.

## Endnotes

---

<sup>1</sup> The principal author of this analysis is Nora Dudwick, who is an anthropologist with broad experience in international development, including gender and post conflict-issues. Recently retired from the World Bank, she now works as an independent consultant.

<sup>2</sup> Buchanan et al. 2012, p. 6.

<sup>3</sup> The transitional constitution mandates that women hold no fewer than 25 percent of seats in the Council of Ministers, institutions and commissions, and legislative and executive organs of state at all levels of government (Laws of South Sudan: The Transitional Constitution of the Republic of South Sudan, 2011). Sudan's constitution does not include any gender-based quotas.

<sup>4</sup> Buchanan et al, 2012, p. 23.

<sup>5</sup> Diaz, 2010, p. 25.

<sup>6</sup> Radio Miraya is one example of donor-supported media. It is operated by the United Nations Mission in South Sudan in partnership with a Swiss NGO, and broadcasts throughout South Sudan in English and simple Arabic.

<sup>7</sup> This analysis forgoes a focus on the overarching framework agreement, which declares the establishment of two separate states whose relations will respect the principles of the AU Constitutive Act and the UN Charter on relations between states. It agrees to implement nine prior security agreements and the eight agreements signed in Addis. It should be noted that while the AU Constitutive Act acknowledges "the need to build a partnership between governments and all segments of civil society, in particular women, youth and the private sector," neither this framework agreement nor the subsequent agreements refer to the importance of inclusivity.

<sup>8</sup> Buchanan et al. 2012, p. 19.

<sup>9</sup> Mackay 2007.

<sup>10</sup> Previous forums have discussed building roads, rehabilitating the railway, expanding electricity, developing agriculture and veterinary services, establishing inter-tribal conferences, and a host of other mechanisms. See "Tamazuj in Kadugli" Feb 2010. <http://africanarguments.org/2010/02/28/tamazuj-in-kadugli>, Accessed December 2012.

<sup>11</sup> Concordis, Cross-Border Relations Project (Cross- Border Relations Beyond the Referendum: Compiled Recommendations of State-Level Workshops March to August 2010.

<sup>12</sup> Manby, 2012, p. 5.

<sup>13</sup> Global Witness 2010, p.4.

<sup>14</sup> Braunstein and Heinz, 2004.

<sup>15</sup> It should be noted that in 2009, Sudan signed the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, which gives women the right to equal and meaningful participation in the promotion and maintenance of peace and security.